

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**KEVIN D. QUINTON, SR.
ADC #141610**

PLAINTIFF

v. **No. 3:20-cv-146-DPM**

**CARPENTER, Doctor,
and WOOD, Nurse**

DEFENDANTS

ORDER

On *de novo* review, the Court partly adopts and partly declines the recommendation, *Doc. 16*, and partly sustains Quinton's objections, *Doc. 19*. FED. R. CIV. P. 72(b)(3). The Court adopts the recommendation as to Nurse Wood. Those claims are dismissed without prejudice.

The Court declines the recommendation as to Dr. Carpenter. In deciding whether a *pro se* complaint states a claim, the Court must construe the complaint liberally and draw all reasonable inferences in the plaintiff's favor. *Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 848-49 (8th Cir. 2014). Quinton alleges that he was taken to see Dr. Carpenter while he was an inmate at the Grimes unit. It's therefore reasonable to infer that the Arkansas Department of Correction was contractually obligated to pay for Quinton's care. If that inference is incorrect, then Dr. Carpenter will surely prove that at the appropriate time. At this early stage, though, Quinton's complaint

plausibly pleads that Dr. Carpenter was a state actor. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The Court therefore returns this case to the Magistrate Judge for further proceedings.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

31 August 2020